

FAMILIES OF PAN-AM 103 LOCKERBIE,  
*Coral Gables, FL, December 13, 1995.*  
 Re H.R. 1710/sub/H.R. 2703 counter-terrorism  
 legislation.

Hon. CHARLES SCHUMER,  
*House Judiciary Committee,*  
*Washington, DC.*

DEAR CONGRESSMAN SCHUMER: I am the widow of John Binning Cummock, a 38 yr. old American father of three, who was killed by terrorist, abroad Pan Am 103 over Lockerbie Scotland. Additionally, I am the Vice President of the Pan Am 103 Families group representing over 180 next-of-kin. I am writing in support of HR 2703 substitute for HR 1710. I feel that this current legislation is the most comprehensive and proactive approach to protect Americans from terrorism that I have seen come out of Congress in the last seven years.

After the bombing of the Murrah building in Oklahoma City, Congress vowed to get tough and pass this legislation by Memorial Day '95. Quick progress was made on the Senate side but sadly the House seems to have come to a screeching halt on debating this bill. Now that the media focus has faded from the Oklahoma City bombing, my fear is that Congress will recess before enacting this badly needed legislation. It is imperative that Congress does not forget its responsibility, not only to protect the American people, but to support the law enforcement agencies who are trying to respond to the escalating and changing threats.

In less than seven years, I have looked into the faces of hundreds of American families that have been devastated by terrorism, after the bombing of Pan Am 103, the World Trade Center and most recently after spending 11 days in Oklahoma City under the sponsorship of the American Red Cross. I know all to well what they have been sentenced to live with under the current system. We owe it to our children and to future generations to be able to live in a safe and secure America. American children must now grow up feeling like they are walking targets to potential terrorist attacks, both domestically and internationally. Unfortunately, the children of the victims of terrorism remember all too well the questions of who is protecting them and where is justice? Let us not afford more consideration and rights to illegal aliens, felons or potential terrorists, than we do to our children who daily pledge allegiance to the American flag.

Specifically, for the Pan Am 103 families the FSIA Amendment within Section 804 is of particular importance. This will provide victims of terrorism an avenue to pursue terrorist sponsoring Nations, where none existed before, by waiving Sovereign Immunity for specific acts of terrorism against American. Clearly, history has shown that the current system, of diplomacy takes decades and only serves to re-victimize the victims' families by providing little or no remedy. In our case, as the KAL 007 flight which occurred over 12 years ago, no progress is in sight. A failure to achieve swift and adequate resolution only to continues the emotional pain, and anguish of the families especially the children. Victims' families are not entitled to access the mental health and other areas of support currently available to other American victims of violent crimes. Hence, America turns its back on the families of those who made the ultimate sacrifice for being Americans. To potentially receive compensation after 40 years can not buy back my children's childhood, especially if they have been too traumatized to be able to learn how to read or sleep through the night.

I hope that we can count on your full support when this bill is placed for a vote. I can be reached at (305) 667-7218 or Skypage 1 (800)

592-8770. My hope is that it will not take another incident to refocus Washington's priorities on counter-terrorism, and other Americans can be spared our fate. Thank you very much for your consideration.

Sincerely,

M. VICTORIA CUMMOCK,  
*V.P. Pam Am 103 Lockerbie,*  
*Widow of John B. Cummock.*

# NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996 \*\*\*\*\*\$1x—ContinuedE 2417

SPEECH OF

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 1995

Mr. GUNDERSON. Mr. Speaker, at the outset, I want to make clear that I see many good facets to this bill. However, I call attention to a portion of it, on the consequences of an HIV-positive test result, that was not debated in the House, primarily because many of us believed that it would be removed by the Senate. The President has suggested that he will veto this bill. If he does and this chamber has another opportunity to consider it, it is essential that we directly address and debate the issue of HIV testing and test results in the military.

We should be aware that section 561 of this bill—section 567 of the Conference Report—provides that any member of the military who is determined through testing to be HIV-positive be automatically dismissed. Specifically, this section requires the Secretary of Defense to separate or retire service members who test HIV-positive within 6 months of their positive test. This requirement represents a serious public policy and public health problem that should not become law in this country.

The issue is not simply testing for HIV because I believe there are appropriate public health reasons and goals for such testing. For example, I have worked very closely with other Members, both Republicans and Democrats, including the gentleman from Oklahoma [Mr. COBURN], and others, on the issue of mandatory testing of infants as part of the reauthorization of the Ryan White CARE Act. Many advances in the treatment of HIV disease have been developed and are becoming increasingly available; this is a positive situation that did not exist previously. HIV testing, if done appropriately and sensitively, should lead individuals who test positive to seek treatment and care. Effective treatments ultimately may lead to a cure for HIV disease. If testing leads to treatment and to a cure, then all of us ought to support it. Under these circumstances, we should encourage testing for every element of American society. Testing is currently one of the most important means of HIV prevention that exists.

But, when mandatory testing leads to mandatory job discrimination, we send a signal to everyone in American society not to get tested. That is, we send precisely the opposite message than we really want to send. The mandatory discharge specified in this bill occurs regardless of the HIV-positive individual's health and fitness and despite the fact that people continue to work productively for several years after being infected with HIV. We should not presume that a positive HIV test automatically means an inability to effectively

carry out duties or to engage in productive work. Yet, this presumption seems to underlie the mandatory discharge provision in this bill.

The mandatory discharge specified in this bill also singles out HIV disease from other medical conditions. It treats military personnel who test HIV-positive differently than personnel with other diseases or conditions. In this sense, then, section 561 is blatantly discriminatory. The issue becomes one of HIV status rather than health status and the ability to carry out duties.

If we allow this provision to remain, furthermore, we likely set ourselves on a slippery slope to continuing and increasing discrimination. Today it is the military, tomorrow it will be military contractors, and the next day it will be all of the independent private sector. We have to change this provision before this bill becomes law. We should not encourage, and certainly not legislate, discrimination against any American citizen.

The provision for mandatory discharge of members of the armed forces who test HIV-positive should not be in this bill. Instead, we should encourage HIV testing in a context in which individuals can and will seek out effective treatments. These treatments may extend their lives, allow them to continue to work productively, and one day, produce a cure for HIV disease. Individuals who seek or are tested for HIV should not be punished for their test results. The positive elements of this bill aside, therefore, I urge my colleagues to oppose this Department of Defense authorization bill conference report.

ENGLISH: LANGUAGE OF OPPORTUNITY I

♦♦\$1x—ContinuedE 2417

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 1995

Mr. EMERSON. Mr. Speaker, I rise today in order to share with the Members of this distinguished body and the good people of this country an account which reveals a great deal about legislation which I have introduced to establish English as the official language of the Federal Government. I have my good friend Mr. Tommy Macchiaroli to thank for passing along this story to me, and I am pleased to now present it to you.

As you know, I have been a principal sponsor of legislation to establish English as the official language of the Federal Government since the 101st Congress. I have studied the official English issue at length and have explored its tremendous potential to contribute to the well-being and prosperity of this country. However, even though I have become very familiar with the comprehensive reports, the historical lessons, and the compelling logic which confirm the need for this kind of legislation, I am still struck by the experiences and straightforward wisdom of folks who have visited the question of a common language on the most personal of levels. Anthony Macchiaroli, an immigrant from Italy, is one of these individuals, and it is his inspiring story that I would like to relate to you today.

It is my hope that we will learn from the dedication, the workmanlike approach, and the ultimate success of this proud American. His example tells us quite a bit about the economics of official English legislation, demonstrating